

RI Mercury Reduction Commission
September 1, 2004

The Honorable Donald L. Carcieri
Executive Chambers, State House
Providence, RI 02903

Dear Governor Carcieri:

RIGL 23-24.9-2.1(D) requires the RI Mercury Reduction Commission to report periodically on its activities and progress on oversight and planning for RI's mercury hazard reduction and elimination. This is our second interim report, required on or before September 1, 2004 (see attached).

Our progress is slow but steady. We strive to employ common sense and seek realistic solutions in examining the various aspects of implementing this legislation. We are achieving consensus on some issues, specifically:

- 23-24.9-11: Disclosure for mercury-added formulated products to Healthcare Facilities: no changes recommended; and
- 23-24.9-8: Labeling: changes recommended; exact wording to be included in our December report.

There is still much to accomplish:

- 23-24.9-9: Disposal Ban and 23-24.9-10: Collection Systems Plan: currently under discussion;
- 23-24.9-7: Phase-Outs and Exemptions: Commission members are digesting and summarizing information in preparation for discussion of this section.
- H8639: Motor Vehicle Parts: Subcommittee formed to address this issue.

If you have any questions, please call me 401-884-4265 or by e-mail Marcy.Thompson1@yahoo.com. Thank you very much.

Sincerely,

Marcella R. Thompson, CSP, RN, COHN-S
Chair

cc: Speaker of the House, Senate President, Secretary of State, Majority Leader of the Senate, Majority Leader of the House, Minority Leader of the Senate, Minority Leader of the House, Commission Members

Interim Report
of the
Rhode Island Commission
on
Mercury Reduction and Education

Pursuant to RIGL 23-24.9

September 1, 2004

Marcella R. Thompson, Chair

Affirmed by Commission August 20, 2004

INTRODUCTION

PURPOSE of RIGL 23-24.9

“To achieve significant reductions in environmental mercury by encouraging the establishment of effective waste reduction, recycling, management and education programs.”

AMENDMENTS to RIGL 23-24.9 (July 2003)

Stays effective dates until July 1, 2005 or later for the following sections:

- 7 Phase Out/Exemptions
- 8 Labeling of Mercury-Added Products
- 9 Disposal Ban
- 10 Collection System Plans
- 11 Disclosure to Healthcare Facilities

FORMATION OF MERCURY COMMISSION

Legislative amendment (sic) creates the Commission on Mercury Reduction and Education (April 2004 – July 2005);

Purpose: To study the system(s) for reducing and eliminating mercury hazards in RI;

Cites implementation of this law is a highly complex undertaking requiring cooperation among ALL interested parties;

Finds there is incomplete regulatory implementation with unintended consequences; and

Acknowledges that systems planning is critical to implementation.

COMMISSION’S OBJECTIVES per RIGL 23-24.9-2.1 as Amended

To identify current and projected sources of mercury hazards;

To evaluate programs and efforts to reduce these sources in a cost-effective and efficient manner that does not place Rhode Island at a disadvantage with other states;

To build on effective efforts in other states and achieve a consistency with other states in terms of approach and timing of implementation;

To determine the availability and effectiveness to consumers and the public of programs, facilities for disposal and recycling mercury-added products; and

To determine the availability and effectiveness to consumers and the public of education programs about mercury-added products and mercury hazards.

To file findings and final recommendations and/or appropriate amendments to law by January 1, 2005.

ADDITIONAL OBJECTIVES per House Resolution H7527 (February 2004)

To develop a plan to address the collection and recycling of electronic waste in a matter that is convenient and minimizes costs to taxpayers and to consumers of electronic products and

To submit recommendations and/or appropriate amendments to law by January 31, 2005.

ADDITIONAL OBJECTIVES per House Resolution H8639 (June 2004)

To develop a plan to address the collection and recycling of mercury-added auto parts in a manner that is convenient and minimizes costs to taxpayers and to consumers and

To submit recommendations and/or appropriate amendments to law by January 31, 2005.

COMMISSION'S MEMBERS appointed by Governor Donald E. Carcieri (April 2004)

Chair	Marcella Thompson
Private Business Representative	Peter Bleasby
	Andrew Knapp
	Jason Linnell
	Marcella Thompson
Engineer with Expertise	Howard Rosenberg
Public Health Expertise	Nicholas Tsiongas
Consumer Interest	Kate Canada*
Advocacy Organization	Sheila Dormody
	Eugenia Marks
RI DEM	Terrence Gray
RI DOH	Robert Vanderslice
RI EDC	Susan Kaplan
RI RRC	Claude Cote
RI LC&T	Jamie Magnani

*to be replaced

**COMMISSION'S MEMBERS to MOTOR VEHICLES SUBCOMMITTEE
appointed by Commission Chair Marcella Thompson (July 2004)**

Chair	Sheila Dormody
Members	Eugenia Marks
	Terrence Gray

The Commission acknowledges gratefully the invaluable assistance of Elizabeth Stone, Legislative Liaison RI DEM.

PROGRESS on COMMISSION'S ACTIVITIES

The Commission held meetings on May 14, June 18, July 23 and August 20, 2004. The Motor Vehicle SubCommittee held its inaugural meeting on August 18, 2004. Meeting Agenda are posted in accordance with open meeting laws. Approved meeting minutes are filed with the RI Secretary of State and are posted on the Commission's website. The Commission's Meeting Calendar for 2004 and Meeting Rules are appended to this interim report.

On May 14, 2004, members of the Commission unanimously agreed upon the following mission statement: "The mission of this Commission is to prevent man-made sources of mercury from getting into the environment (air, water, soil)." The Commission acknowledges one factual premise: this (mission statement) pertains only to those sources that Rhode Island can control. The Commission agrees that achievement is possible through cooperation, consensus and commitment of all interested parties.

During each Commission meeting, there is open discussion of issues that center on those provisions whose effective implementation dates were stayed in the amendment. These sections represent those in greatest dispute among interested parties.

CURRENTLY UNDER DISCUSSION

23-24.9-9: Disposal Ban and 23-24.9-10: Collection Systems Plan

Information:

- Current applicable Federal and State regulations;
- Current compliance rates and efficiency of regulatory enforcement action;
- Current disposal and recycling facilities and associated costs and sources of funding;
- Availability and effectiveness for consumers and the public of programs for disposal and recycling mercury-added products.

Language:

- Implications for manufacturing, industry and small business if NO changes are recommended;
- Implications for eliminating current exemptions for:
 - Consumers
 - Motor Vehicles (H8639)
- Implications for including electronic waste in disposal ban (H7527)

Effective: July 1, 2005

- Implications for manufacturing, industry and small business if effective date is not changed;
- Implications for delaying effective date for those entities no longer exempt; and
- Enforceability of consumer inclusion in disposal ban.

23-24.9-7: Phase Out/Exemptions**Information:**

- Commission establishes a repository for mercury-related information and commission-related activities is available online www.state.ri.us/dem/topics/mercury (see Appendix 3).
- Commission members form working groups to digest and summarize information in order to:
 - Identify current and projected sources of mercury hazards;
 - Outline other states' regulations where these states' efforts are effective;
 - Determine availability and effectiveness of (existing) mercury reduction programs; and
 - Evaluate existing mercury reduction program(s) and efforts to reduce these sources for efficiency and cost-effectiveness.

23-24.9-16: Education**Information:**

- Commission members forms a working group to digest and summarize information in order to:
 - Determine the availability and effectiveness to consumers and the public of education programs about mercury-added products and mercury hazards.

Other sections of the law to be addressed subsequently.

COMMISSION'S RECOMMENDATIONS

23-24.9-11: Disclosure for mercury-added formulated products to Healthcare Facilities

NO CHANGES RECOMMENDED. RI DEM contacted RI hospitals and representatives of the Soap & Detergent Manufacturers regarding the level of their satisfaction with language adopted; they are satisfied with the healthcare reporting language as currently written.

23-24.9-8: Labeling

CHANGES RECOMMENDED. Exact language is currently under discussion.

The purpose of these changes is to align RI program to be consistent with other states for approach as these states' efforts are effective. Manufacturers of mercury lights and mercury-added lamps are labeling their products currently under a nationwide label. Even though manufacturers are labeling mercury-added lamps, some products containing these lamps that cannot be removed feasibly, thus another venue of hazard communication is recommended.

Regulatory Calendar Agenda

The Commission strives to employ common sense and seeks realistic solutions in examining various aspects of implementing this legislation. Progress is slow but steady. The Commission foresees delaying the effective date(s) for entities to reflect the changes recommended. The Commission will address these issues in the next report to be filed in December 2004.

APPENDIX 1: COMMISSION MEETING CALENDAR 2004

Meetings are 10 am – 12 n at the RI DEM Providence office.

September 17

September 24

October 15

October 29

November 19

December 17

APPENDIX 2: COMMISSION MEETING RULES

Informal meeting environment; Chair will evoke Roberts Rules (current version) when necessary;

Quorum: simple majority of 7 members plus the Chair;

Voting quorum: two-thirds of the members (8 members plus the Chair);

Distribute meeting minutes to the commission members electronically for comment and electronic approval. Approved meeting minutes will be posted on the RI Mercury Commission website: <http://www.state.ri.us/dem/topics/mercury>

repository for mercury-related information and commission-related activities

Any mercury-related information submissions for the webpage

Commission Members shall be allowed to participate via speakerphone with the permission of the Chair.

APPENDIX 3: ONLINE DOCUMENTS

Regional Mercury Resolution (1997)

Mercury Action Plan (1998)

NEWMOA (Northeast Waste Management Officials' Association) Draft Model Mercury Reduction Legislation (2000)

RIGL 23-24.9 (2001)

RI Mercury Working Advisory Group (2002)

Mercury Commission and Motor Vehicle Subcommittee Meeting Minutes